

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA
3

4 United States,

5 Plaintiff

6 v.

7 Clifford James Schuett,

8 Defendant
9

2:14-cr-00364-JAD-GWF-1

Order Denying Motions

[ECF Nos. 239, 240, 241]

10 On April 7, 2015, I sentenced Clifford James Schuett to 75 months in prison after he pleaded
11 guilty to one count of threatening to kill or cause damage by explosive.¹ In July 2016, Schuett filed a
12 “Motion for a Rule 35,” a “Motion in support of Rule 35,” and a motion for a hearing on these
13 motions.² Though Schuett’s motions were difficult to decipher, it appeared that he was actually
14 attempting to challenge the conditions of his confinement rather than the legality of his sentence
15 under Federal Rule of Criminal Procedure 35. I denied the motions and instructed Schuett that, if he
16 wishes to challenge the conditions of his confinement, the proper vehicle for doing so is to file a civil
17 suit under 42 U.S.C. § 1983, not a motion in this closed criminal case.³

18 The day before my order denying Schuett’s motions was entered, Schuett dispatched a new
19 motion for hearing on his Rule 35 motion, a new motion in support of his Rule 35 motion, and a
20 motion for appointment of counsel.⁴ Like his previous filings styled as Rule 35 motions, Schuett’s
21 new Rule 35 motions appear to challenge the conditions of his confinement rather than the legality of
22 his sentence. For the reasons discussed in my previous order, Schuett’s motions are denied, and
23 Schuett is again instructed that any further motions in this case attempting to challenge the
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25 ¹ ECF No. 175.

26 ² ECF Nos. 235, 236, 237.

27 ³ *Id.*

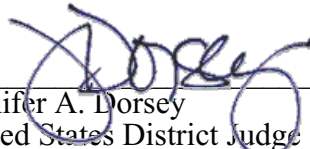
28 ⁴ ECF Nos. 239, 240, 241.

1 conditions of his confinement (or requesting appointment of counsel to do so) will be summarily
2 denied.

3 **Conclusion**

4 Accordingly, IT IS HEREBY ORDERED that **defendant's motion to "Return to this**
5 **Court for Rule 35 Hearing" [ECF No. 239], "Motion in Support or Rule 35 Motion" [ECF No.**
6 **240], and "Motion for Appointment of Counsel for Rule 35" [ECF No. 241] are DENIED.**

7 Dated this 5th day of August, 2016.

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Jennifer A. Dorsey
United States District Judge